



State of Vermont

LAND USE PERMIT

AMENDMENT

CASE No. 5W0829-EB
APPLICANT R. E. Tucker, Inc.
ADDRESS Bull Run Road
Northfield, VT 05663

LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151
(Act 250)

The Vermont Environmental Board ("the Board") hereby issues Amended Land Use Permit #5W0829-EB pursuant to the authority vested in it by 10 V.S.A., Chapter 151. This permit applies to the lands identified in Book 50, page 464 of the land records of Berlin, Vermont as the subject of a deed to R.E. Tucker, Inc., "the Permittee" as grantee. This permit authorizes the Permittee to construct a new access road, scale house and truck scale, and gravel wash plant with pump station and three settling lagoons, all at the existing Tucker gravel pit located adjacent to Chandler Road in Berlin.

The Permittee, its successors and assigns, is obligated by this permit to complete and maintain the project only as approved by the District #5 Environmental Commission ("the Commission") in accordance with the terms and conditions of Land Use Permit #5W0829, except as amended hereby.

CONDITIONS

1. Condition #1 of Land Use Permit #5W0829 is amended to read:

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #5W0829, except as modified by the Findings of Fact and Conclusions of Law of the Environmental Board in Land Use Permit Amendment #5W0829-EB, in accordance with the plans and exhibits stamped "Approved" and on file with the Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the Commission.

2. Condition #4 of Land Use Permit #5W0829 is amended to read:

4. Prior to July 1, 1986, the Permittee shall pave the segment of the gravel pit access road beginning at Chandler Road and ending at Point C as marked in red on Board Exhibit #1 (approximately 400'). The paved drive shall be maintained and/or repaired from time to time as needed to preserve the integrity of the road surface.

3. Condition #5 of Land Use Permit #5W0829 is deleted and the following new Condition #5 is added:

5. Within 30 days of receiving written permission from the Guyettes and the Millers, the Permittee shall replace any dead trees which it had previously planted along the access road and the Guyette and Miller property lines, and shall plant one additional row of evergreen trees behind the present row of trees. The trees shall be not less than four feet in height, and shall be planted off-center to the existing trees in order to provide better screening.

4. Condition #6 of Land Use Permit #5W0829 is deleted and the following new Condition #6 is added:

6. At no time shall the Permittee operate its gravel crusher at any location north of the 640' contour as depicted on Board Exhibit #1.

5. Condition #9 of Land Use Permit #5W0829 is amended to read:

9. The Permittee shall not withdraw water from the Dog River at any time when the River is flowing at a rate of 21 cfs or less, nor shall the Permittee withdraw water in a volume which would cause the River to flow at a rate of 21 cfs or less. On or before February 1 each year the Permittee shall file with the Commission and the Department of Fish and Wildlife a list of dates when the wash plant operated during the preceding calendar year. The Commission retains the right to impose additional conditions regarding water withdrawals for the duration of this permit. Such conditions may include prohibitions against water withdrawals during traditional low flow months of the year and/or requirements for the Applicant to recycle water from the lagoons.

6. Condition #11 of Land Use Permit #5W0829 is amended to read:

11. Prior to June 1, 1986, the Permittee shall install a "Yield" sign at the intersection of the access drive with Chandler Road and shall install a "Slow - Children Playing" (or equivalent) sign on the access drive facing east-bound vehicles.

7. Condition #12 of Land Use Permit #5W0829 is amended to read:

12. On or before February 1 of each year, the Applicant shall file with the Commission an affidavit, signed by a duly authorized agent of R.E. Tucker, Inc. (or its successor) under penalty of perjury as provided by 13 V.S.A. Section 2904, stating that the Permittee has not during the preceding calendar year extracted more than 20,000 cubic yards of material from the Chandler Road premises.

8. Condition #14 of Land Use Permit #5W0829 is deleted.
9. Condition #16 of Land Use Permit #5W0829 is amended to read:

16. The Permittee shall not install or use at the Chandler Road site any new pieces of major excavation or processing equipment without first providing written notice to the Commission, which notice shall describe the new equipment. The in-kind replacement of existing machinery with substantially similar equipment does not require notice to the Commission. The Commission need not require an amendment to this permit to approve new equipment if no "substantial" or "material" change would be caused by the new equipment.

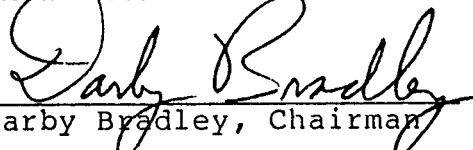
10. Condition #17 of Land Use Permit #5W0829 is amended to read:

17. This permit shall expire on April 1, 2016, unless extended by the Commission. Notwithstanding the latter date, this permit shall expire one year from the date of issuance if the Permittee has not demonstrated an intention to proceed with the project. In any event, substantial construction must occur within two years of the date of issuance.

All conditions of Land Use Permit #5W0829 remain in full force and effect except as amended herein.

Dated at Montpelier, Vermont this 2nd day of June, 1986.

VERMONT ENVIRONMENTAL BOARD


Darby Bradley, Chairman